

REMARKS/ARGUMENTS

The claims have been amended to render moot the 35 USC § 112 rejections, or to more particularly claim the invention. Support for the amendments can be found in various parts of the specification.

Claims 1-10 stand rejected under 35 USC § 112, second paragraph as being indefinite.

Claims 5-6 have been cancelled rendering any rejection of these claims moot. Regarding the term "substituted" in the definition of R₂, the specific substituents are now listed. Regarding the phrase "e.g. 1- to 3-fold" this phrase has been deleted. Regarding claim 4, "pharmaceutically acceptable" is now recited. Regarding claims 8 and 9, (it is believed claims 8 and 10 are intended), the relevant claims have been amended to recite specific types of additional active agents.

Claims 9 and 10 stand rejected under 35 USC § 112, first paragraph is lacking enablement.

Claims 9 and 10 have been amended to recite specific diseases or conditions which are believed to render moot this rejection.

Claims 1, 2, 4, 5 and 7 stand rejected under 35 U.S.C. 102(b) as being anticipated by Albert et al. (WO 2001/27102). It is specifically stated in the Office Action that applicants' claims read on Examples 3, 15 and 20 of Albert et al.

It is respectfully pointed out that the R₃ moiety of applicants' claims require one or morefold substituents, and the possible substituents are listed. The cited compounds of Albert et al. all contain unsubstituted phenyl at the analogous position.

Therefore, Albert et al. does not anticipate Applicants' claims.

It is submitted that applicants specification and pending claims are in proper form. It is respectfully requested that the rejections of the claims under 35 USC § 112, first and second paragraphs, and 35 U.S.C. 102(b) be withdrawn and that pending claims 1-4 and 7-29 be passed to allowance.

Respectfully submitted,

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